P M 563 588 The second case is somewhat more recent. It occurred at the beginning of the European penetration of the area. During the general upheaval at that time, the natives of Bosúka village (Bilángi of Lingonju) took advantage of the absence of many adult men whom the soldiers had taken on an expedition against the Mbole. They were able to capture a woman named Nsombola and take her home with them. She loved one of the men of Bosúka, and after many years, he "purchased" her for the price of two slaves. She lived there happily until quite recently, when she was overcome with a desire to return to her own race. (She leaves no descendants.)

In this second instance, then, the Nkundó bowed to the woman's wishes and, in accepting a bride price for Nsombola, gave in to the inevitable. This example shows that they can be flexible in their customary requirements if the situation warrants it.

Nevertheless, there have been no admirers or imitators of these exceptional cases, and the opposition against unions between the two races remains firm. Mixtures are not desired. The position P M which the hybrid family of Bakao occupies in the village of Lotángonda [851] is highly significant. For it is an exception to the rule applicable to such cases, namely, that a child who has no legitimate father is incorporated into his mother's clan. The descendants of Bakao and Njalí are dependents of Lotángonda and are a part of it politically, but [243] they are not included in the kin group. For they have inherited a Bilángi nature from their father, and therefore, contrary to the logic usually applied, they have not become relatives of their ancestress. Here, too, the "racial principle" has prevailed against common law.

P M 563 588 595 Nor does one hear of temporary relationships or concubinage between them. I know only of one instance; its outcome was not happy, and it did not invite imitators. It happened around 1913. A certain polygamist, Lokóta of Bokeke (Bombwanja) fell in love with the wife of Bonkingó, who at the present time is headman of Bosáola (Batswá of Ntómbá, Bombwanja). He became the laughing stock of the entire region, but because of his love, it did not deter him. In his own household, however, the situation was more serious. One of his wives (Ámbánsele) soon left him. The others refused him their bodies

alimentary prohibitions must be observed until the child is weaned.

851 As soon as the child is born, the women present announce the happy event with shouts, and someone runs to inform [483] the father. The latter (or a kinsman) communicates the news by means of a lokolé. For a boy the message is: Batokó falafala, bokáta bókátáká likongá la nguwa, ayíme lokendo ndá likundú, etc., (1)

1. Elsewhere the term is ásokúsola. Or: besofó la mpíko bésókitela bele foléfolé, "bowels and livers have come down, are outside."

"The mats are spread; he who holds spear and shield has come from the journey in the womb." For a girl, bokáta ... nguwa is omitted and the words isekaseka y'ólíato, "sweet friendship of woman" are substituted. (2)

2. Other terms exist in certain tribes (See Anthropos, Vol. 30, 1935, p. 655 ff.)

The news is greeted with cries of joy in the whole village, and everyone runs to admire the child and congratulate the mother. They do not enter the house. No feast heightens the general rejoicing.

Then, if the child is a boy, the father or a man in his family places himself in front of the child, who is presented to him at the entrance to the hut or on the porch if there is one. He holds a spear and threatens as if he were about to attack the child, shouting: "Ha! ha! ha!," and gesticulating like a warrior. Then he takes the little hand and makes the child hold the spear, saying to him: "Be a strong man, make war bravely." (3) The

3. If later in life a boy lets himself be frightened, he is asked, "Was that ceremony not performed when you were barely born?"

●851 birth of a child involves a few prohibitions which affect the whole village and apply to the Batswá as well as the Baotó. They do not affect inhabitants of a portion of the village which is separated by a swamp from the group where the happy event has occurred. Those bound by the prohibitions may no longer go to "work" -- that is, to work in the fields, fetch food or firewood, build a hunting enclosure or a fishing weir, or work at the building or repair of a house. An infraction of this rule would result in the destruction of the fruit of all their labor: the fields would no longer produce, and no beast or fish would be caught. This deadly influence would [484] extend to all crops, etc. no matter whom they belong to. Nevertheless, there is nothing wrong in fetching firewood from the forest, harvesting manioc from a ripe field, or cutting the fruit of the palm.

Strictly speaking, these prohibitions touch only persons who have seen the newborn child. But since no one fails to go and admire it, all are subject to them. The prohibitions remain in ef- [184] fect until the umbilical cord is detached. Some tribes, however, have the more convenient custom of limiting its duration to the day of the child's birth.

2. The hygiene of mother and child

[844] The umbilical cord (lokóki) is cut near the middle. An in- 846 cision is made near the infant's navel. Each day a concoction of herbs is poured on the part of the cord that is still attached and white sand is put on it to make it dry more rapidly. When the end falls off, a powder made of scorched banana is applied to the wound.

In order to prevent the weakening of a woman's abdomen, it is bound with a belt made of bands of the dried bark of the banana tree (ekutú).

The assistants wash the mother and child. On the mother they place dried leaves or bark of the banana tree which have been carefully crumpled. They are put on like panties to catch the blood and are replaced by new ones whenever necessary.' Nowadays pieces of cloth are often used; they are put on like a man's garment.

000 this people with a sense of duty, that individual conscience of which they are so imperatively in need. [515]

Article IX. Rights Over the Children

593x 851 Without repeating everything on this subject that is to be found at various points in this work, it is nevertheless appropriate to summarize here the various considerations and conclusions concerning the rights over children.

The great principle dominating the entire question is the Roman adage: Pater is est quem nuptiae demonstrant. The legitimate husband is the legal father of his wife's child. Without marriage the natural father has no rights.

848 851 593x Consequently, children conceived in adultery belong exclusively to the husband (Chapter VI, Article VIII). Since relations with a widow who is not yet legitimately remarried is adultery, a child born as a result of such relations is legally the heir's child. (Chapter III, Article II). The same rule, mutatis mutandis, applies to a divorcée before a regular remarriage (Chapter VIII, Article III, 1).

The child of an independent woman has no legal father. Consequently, it belongs to the mother's family and remains illegitimate (entombó: entombó ékámí is the name by which his grandfather calls him). (Chapter I, Part II, Article IV, 3.) But if the natural father marries the mother, he can obtain the child by paying an extra "slave" for it. In any case he must pay the complete bride price. If he does not marry the mother, he has no rights whatsoever over the child; however, this rule is in the process of changing in the northwest corner of the region under discussion (Chapter I, Part II, Article IV, 3).

This legitimation is not required if the pregnancy began after bride-price payments were begun. It can take place even after the mother's death by means of the above-mentioned payment. Such cases of posthumous legitimization sometimes occur in relation to children born of extra-customary [extracoutumiere] unions contracted during the early period of colonization. [516]

851 593 A father's rights over his child are not unassailable. He can lose them, especially if he neglects to fulfill certain duties because such conduct is equivalent to disowning. Among the duties whose neglect results in the loss of rights over the children are the following:

1) The completion of the bride price.

2) The fulfillment of funerary duties (burial, payments).

3) The relinquishment of a portion of the bride price to be restituted in case of divorce.

4) The performance of duties toward the child. Only instances of grave negligence, constituting real abandonment, enter into consideration here -- especially an illegitimate refusal to obtain the means for a son to get married. The case cited in Chapter II, Article XI, 3 and similar instances also fall into this category.

Conclusions

58 At the end of this work we shall sum up the conclusions it suggests to us:

1) Among the Nkundó marriage consists of a union between a man and a woman, constituted through the payment of certain valuables. This payment is made by the husband, through the intermediation of one or more official witnesses, to the wife's parents; it is counterbalanced by a payment of valuables on the part of the woman's family to the husband and his family.

2) There are various sorts of conjugal unions which differ somewhat from this standard form: the inheritance of a widow by a distant relative of the husband; the substitution -- during life or after death -- of a kinswoman who continues the union begun by a woman now deceased or divorced; [517] the offer of a wife in exchange for the performance of an important service; a certain kind of exchange and, in some tribes, purchase; and union with a slave.

3) Apart from the question of the Batswa, obstacles to marriage are due to kinship and affinity.